



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,182	10/17/2001	Anthony David Whitehead		9477

35089 7590 06/18/2007
STIKEMAN ELLIOTT
1600-50 O'CONNOR STREET
OTTAWA, ON KIP LS2
CANADA

EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2163

MAIL DATE DELIVERY MODE

06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/978,182	Applicant(s) WHITEHEAD ET AL.	
	Examiner LINH BLACK	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19, 23 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) 18, 20-22 and 24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 1, 8, 25-40 is/are rejected.
- 7) ☒ Claim(s) 2-7, 9-14, 19 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the document dated 3/12/07. Claims 1-17, 19, 23, 25-43 are pending in the application. Claims 1, 15-17, 40-43 are independent claims. Claims 25-43 are new claims. Claims 18, 20-22, and 24 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitation "the PICS code" in the limitation (a). There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

Claims 40-43 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form, upon payment of any necessary additional fee. Claims 40-43 claim a computer readable memory having recorded thereon statements and instructions for execution by a computer to carry out the method of independent claims 1, 15-17. Thus, claims 40-43 are not further limiting the preceding claims 1, 15-17. See Ex parte Porter, 25 USPQ2d 1144 for situations

Art Unit: 2163

where a method claim is considered to be properly dependent upon a parent apparatus claim and should not be objected to or rejected under 35 U. S. C 112, fourth paragraph. See also MPEP section 608. 01 (n), "Infringement Test" for dependent claims. The test for a proper dependent claim is whether the dependent claim includes every limitation of the parent claim. The test is not whether the claims differ in scope. A proper dependent claim shaft not conceivably be infringed by anything which would not also infringe the basic claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (US 5740283) in view of Foote et al. (US 20020028021).

As per claims 1 and 40, Examiner interprets "computing any combination of coefficients for the Internet object from the group of data type coefficients comprising..." is equivalent to "computing at least two of any coefficients..."

Meeker teaches computing any combination of coefficients for the Internet object from the group of data type coefficients comprising...a image coefficient, ... a video

Art Unit: 2163

coefficient - col. 4, lines 5-56; col. 5, last paragraph (...image coefficients); col. 7, line 64 to col. 8, line 36 (...video coefficients); categories and computing of coefficients - col. 47, line 50 to col. 48, line 45; col. 66, lines 54-67. Meeker does not explicitly disclose classifying/categorizing an object using coefficients. However, classifying/categorizing an object using coefficients is not novel in the technological art. Foote et al. teach classifying video clips, images by using their coefficients - pars. 0007, 0012, 0014; vectors and audio coefficients are compared to identified criteria - pars. 0165, 0179-0180. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Meeker's and Foote et al.'s teaching to better classifying well known digital data objects such as image, video, audio, text, etc...- par. 0067 (Foote et al.).

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (US 5740283) in view of Foote et al. (US 20020028021), and further in view of Lang et al. (US 5867799).

As per claims 25-29, Meeker and Foote et al. do not explicitly suggest the identified criteria comprises "adult content criteria" or criteria is predetermined/user definable, filtering based on classification. Lang et al. teach method for filtering a massive flow of information entities to meet user classification needs - the title; content filtering based on criteria, adult content and criteria other than adult content - col. 19, lines 20-53; col. 21, lines 40-67; fig. 1, item 1; wherein the identified criteria is predetermined - col. 17, lines 29-41; wherein the identified criteria is user-definable - col. 2, lines 47-65; the

Art Unit: 2163

Internet object is filtered based on classification – col. 20, lines 35-65. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Meeker's, Foote et al.'s teachings and Lang et al.'s teaching in order to allow a wide range of criteria can be set in classifying Internet information or data objects, thus, help better storing, searching, and retrieving of data for users.

Claims 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (US 5740283) in view of Foote et al. (US 20020028021) and Lang et al. (US 5867799), and further in view of Goddard (US 6684240).

Applicants show a network device – item 30 of fig. 1 and there is no further definition in the specification.

As per claim 30, Meeker does not explicitly teach a storage device, Foote teaches storage device – par. 0063; a display – pars. 0046, 0048, 0063. Meeker and Foote do not explicitly suggest the limitation "network device", Lang teaches a computer network – col. 1, lines 9-13; network resources - fig. 1. (For reason to combine the teachings, please see the rejection of claim 29 above). However, Meeker, Foote et al., and Lang et al. do not explicitly suggest the Internet object passes through a TCP/IP stack, censoring the Internet objects, block/unblock access to Internet object, a printer. Goddard teaches filtering content of ratings enabled media, a user may adjust the acceptable content rating parameters ...users may set the desired level of filtering of content - col. 3, lines 27-67; transmission control protocol/Internet protocol (TCP/IP) –

Art Unit: 2163

col. 14, lines 4-19; censoring of Internet object – col. 1, lines 25-37; media such as television, radio, movie/motion picture, prevent certain users from accessing inappropriate content – col. 3, line 55 to col. 4, line 18; block/deny and unblock/allow access to programs similar to the example content – col. 2, lines 43-67; Internet blocking software...nevertheless classify Internet material by content themes such as course language, inappropriate sexual content, violence or the like – col. 1, line 55-66; Goddard also teach content rating – col. 9, last paragraph; content rating parameters may also be set according to content theme/category – col. 10, last paragraph; a printer – col. 13, last paragraph. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Meeker's, Foote et al.'s teachings, Lang et al.'s teaching with Goddard's teaching in order to utilize and take advantage of a standard input/output system in transmitting Internet objects and display/present to users. In addition, classifying Internet objects/items based on content categories/themes allows/providis the distributing/accessing of appropriate Internet content to users, thus, better serve and protect users.

Allowable Subject Matter

Claims 15-17, and 41-43 are allowed.

Claims 2-7, 9-14, 19, 23, ~~24~~ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-17, 19, and 23 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

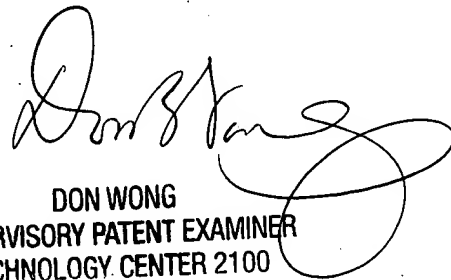
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 21633

May 24, 2007



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100